

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LHF PRODUCTIONS, INC.,
Plaintiff(s),
v.
JOHN KOEHLY, et al.,
Defendant(s). }
} Case No. 2:16-cv-02028-JAD-NJK
} }
} } **ORDER**
} }
} } (Docket No. 74)
}

Pending before the Court is Counter-Claimant Brian Kabala's motion to deem facts admitted against Counter-Defendant LHF Productions, Inc. Docket No. 74. The motion was served and filed on July 27, 2017. *See id.* The deadline to respond has expired, *see* Local Rule 7-2(b), but no response has been filed to date.¹ LHF's failure to respond constitutes consent to the granting of the motion. Local Rule 7-2(d).

¹ Rather than respond to the motion, LHF filed a motion to strike the motion as improperly filed. Docket No. 75. That motion to strike did not address the merits of Mr. Kabala’s motion, but instead argued that Mr. Kabala’s discovery motion was improperly filed since the claims against Mr. Kabala as a Defendant had been voluntarily dismissed. *See id.* On July 31, 2017, the Court denied the motion to strike. Docket No. 76. Among other reasons for the denial, the Court explained that the motion to strike was based on the faulty premise that Mr. Kabala was “no longer a party to the case” when it was clear that his counterclaims remained pending against LHF. *See id.* at 1-2. Indeed, Mr. Kabala expressly represented that he “intends to proceed with [his] **counterclaims** upon these requests being deemed admitted.” Docket No. 74 at 3 (emphasis added). Although the Court denied the motion to strike more than two weeks ago, LHF has made no further filing in response to the pending motion to deem facts admitted.

Accordingly, the Court hereby **GRANTS** Mr. Kabala's motion to deem facts admitted (Docket No. 74), and therefore **ORDERS** that the facts are deemed **ADMITTED** as requested at Docket No. 74 at 11-12 (first set of requests for admissions) and Docket No. 74 at 18 (second set of requests for admissions).

IT IS SO ORDERED.

DATED: August 15, 2017

NANCY J. KOPPE
United States Magistrate Judge